

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:09-cv-335-RJC-DSC**

U.S. COMMODITY FUTURES)
TRADING COMMISSION)
)
Plaintiff,)
)
vs.)
)
SIDNEY S. HANSON, et al.,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court on the Government’s Motion to Intervene. (Doc. No. 5). For the following reasons, the Motion to Intervene is **GRANTED**.

The Government seeks to intervene under Rule 24 for the limited purpose of opposing Plaintiff’s Motion for Appointment of a Receiver. Rule 24(b) gives the district court discretion to permit a nonparty to intervene in a private lawsuit where that party’s claims and the pending civil action share questions of law and fact and where such intervention would not “unduly delay and prejudice the adjudication of the rights of the original parties.” Fed. R. Civ. P. 24(b). “Courts that have addressed a motion to intervene for the limited purpose of seeking a stay in a civil action filed on behalf of the United States have allowed intervention where the civil action shares the same common questions of fact as a parallel criminal proceeding.” Ashworth v. Albers Med., Inc., 229 F.R.D. 527, 529 (S.D. W.Va. 2005) (citing other cases).

The United States’ application to intervene was filed at an early stage in the litigation. Additionally, the criminal proceedings and civil action involve common questions of law and fact concerning whether a receiver should be appointed by the Court to take custody of the assets

of the Queen Shoals entities. Therefore, the Government's Motion to Intervene is granted for the limited purpose of opposing Plaintiff's Motion for Appointment of a Receiver.

IT IS THEREFORE ORDERED that:

1. Government's Motion to Intervene Doc. No. 5) is **GRANTED**; and
2. the Government is advised that the Court is having a hearing in this case tomorrow, August 6, 2009, at 10 am.

Signed: August 6, 2009

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge



Signed: August 6, 2009

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

